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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 SIE ERVINE,

2:10-CV-1494 JCM (RJJ)

8 Plaintiff,

9 v.

10 DESERT VIEW REGIONAL
11 MEDICAL CENTER HOLDINGS
12 LLC., et al.,

13 Defendants.
14

15 **ORDER**

16 Presently before the court is defendants Georges Tannoury's (M.D.), Malin Kerry's, Kerry
17 Malin's and Specialty Medical Center's motion for summary judgment. (Doc. #33). Defendant
18 Desert View Regional Medical Center Holdings, LLC, filed a joinder. (Doc. #34). The plaintiff has
19 responded (doc. #35), and the defendants have replied (docs. #36, 37).

20 Summary judgment is appropriate when, viewing the facts in the light most favorable to the
21 nonmoving party, there is no genuine issue of material fact, and the moving party is entitled to
22 judgment as a matter of law. *Bagdadi v. Nazar*, 84 F.3d 1194, 1197 (9th Cir. 1996); FED. R. CIV. P.
23 56(c). The moving party bears the burden of presenting authenticated evidence to demonstrate the
24 absence of any genuine issue of material fact for trial. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323
25 (1986); see *Orr v. Bank of America*, 285 F.3d 764 (9th Cir. 2002) (articulating the standard for
26 authentication of evidence on a motion for summary judgment).

27 Whereas the defendants have failed to properly authenticate any of the evidence provided to
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1 support the motion for summary judgment under the standards set forth in *Orr*, the court declines
2 to consider the merits of the motion at this time.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion for
5 summary judgment (doc. #33) is DENIED without prejudice.

6 DATED April 22, 2011.

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9 UNITED STATES DISTRICT JUDGE